

****E-Filed 12/2/2010****

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**Attorneys for Plaintiffs
J & J Sports Productions, Inc.**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

vs.

SAMUEL CORTEZ CORTEZ, et al.

Defendants.

CASE NO. 5:10-cv-02717-JF

**ORDER GRANTING IN PART
PLAINTIFF'S *EX PARTE*
APPLICATION FOR AN ORDER
VACATING THE CASE
MANAGEMENT CONFERENCE; ~~AND
ORDER (Proposed)-~~**

**TO THE HONORABLE JEREMY FOGEL, THE DEFENDANTS, AND THEIR
ATTORNEYS OF RECORD:**

Plaintiff J & J Sports Productions, Inc. hereby applies *ex parte* for an order vacating the Case Management Conference in this action, presently set for Friday, December 3, 2010 at 10:30 a.m. This request will be, and is, necessitated by the fact that defendants Samuel Cortez Cortez and Alma Rosa Cortez, individually and d/b/a Metro Balderas; and SC Cortez, Inc., an unknown business entity d/b/a Metro Balderas are in default and Plaintiff's Application for Default Judgment will soon be filed with this Honorable Court.

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendants concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the

ORDER (Proposed)

It is hereby ordered that the Case Management Conference in civil action number 5:10-cv-02717-JF styled *J & J Sports Productions, Inc. v. Samuel Cortez Cortez, et al.*, is hereby ~~vacated~~ continued to 2/4/2011.

Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a Certification of Service of this Order with the Clerk of the Court.

IT IS SO ORDERED:



THE HONORABLE JEREMY FOGEL
United States District Court
Northern District of California

Dated: 12/2/2010

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PROOF OF SERVICE (SERVICE BY MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, California. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On November 24, 2010, I served:

**PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER VACATING THE
CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Samuel Cortez Cortez (Defendant)
799 South 1st Street
San Jose, CA 95113

Alma Rosa Cortez (Defendant)
799 South 1st Street
San Jose, CA 95113

SC Cortez, Inc. (Defendant)
799 South 1st Street
San Jose, CA 95113

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct, and that this declaration was executed on November 24, 2010, at South Pasadena, California.

Dated: November 24, 2010

/s/ Maria Baird

MARIA BAIRD